



SUSAN COMBS, COMMISSIONER

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1202 5 DEC 27 A6:46

Memorandum

To: Division of Docket Management, FDA
From: Cary L. Brown, Federal and Trade Specialist
Date: December 20, 2005
Re: Texas Department of Agriculture Comments

Enclosed is the original of the comments that were submitted via the online comment system by Commissioner Susan Combs on December 20, 2005. The comments were on Docket Number 2002N-0273 and were given the temporary comment number 44515.

Cary L. Brown
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*Making Texas the nation's
leader in agriculture, while
promoting excellence in
children's nutrition, rural
economic development and
providing efficient and
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2002N-0273

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December 20, 2005

Division of Docket Management (HFA 305)
Food and Drug Administration
5630 Fishers Lane, Room 1061
Rockville, Maryland 20852

1201 5 DEC 27 A6:46

RE: Docket Number 2002N-0273 (RIN 0910-AF46), Substances prohibited
from Use in Animal Food or Feed

Dear Sir or Madam:

Thank you for the opportunity to provide comments on the proposal regarding
substances prohibited from use in animal food or feed.

While the new proposed rules address some of my previous concerns, I still believe
that some issues need to be adequately answered. In particular, the environmental
issue of disposal remains unresolved. Additionally, the negative impact to the
rendering industry may result in a loss of this valuable industry and increased
amounts of waste for disposal.

Although the current recommendation provides for less prohibited materials than
the 2004 proposal, we will still need to have appropriate avenues to dispose of the
prohibited materials. The proposal states there will be an estimated 64.3 million
pounds of cattle materials prohibited in animal feed (CMPAF) for disposal and
suggests land filling as one of the primary options. This amount of waste will not be
equally distributed across the country but concentrated in specific regions and states.
There is currently not the infrastructure nor environmental regulations in place to
accommodate this pending problem. The Food and Drug Administration must
coordinate with other local, state and federal agencies to address this lack of
infrastructure.


Disposal of animal material is currently being conducted efficiently and without cost
to states or the federal government through private enterprise. Seventy-nine percent
of renderers are small businesses, which the proposal acknowledges are likely to
experience the most substantial negative impacts. Burden will be placed upon
renderers as a result of the reduction in volume rendered, additional costs of
removing prohibited materials, implementing new recordkeeping requirements, and
disposing of additional materials. Increased costs will be passed along to ranchers
who can ill afford to absorb these added production costs.

If this important sector of our agriculture industry is forced out of business, this
beneficial disposal will not occur and all of the waste traditionally used by renderers
will need an alternate means of disposal. This will create additional environmental
and economic problems for both states and the federal government that will have
the ultimate responsibility of disposal.

Before the adoption of this rule proceeds, appropriate steps must be taken to ensure
CMPAF disposal does not create adverse environmental or financial hardships for
states or our cattle and meat industries.

Please do not hesitate to contact me if I can provide further information.

Sincerely,


Susan Combs
Commissioner

SC/clb